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I N D E X

Re - Re- By

Witnesses: Direct Cross direct cross Examiner

None.

E X H I B I T S

Number For Identification In Evidence

None so marked.

1 JUDGE O'CONNELL-DIAZ: Pursuant to the direction  
2 of the Illinois Commerce Commission, I now call  
3 Docket No. 00-0467, and this is in the matter of  
4 Earlene D. Neely versus Illinois Bell Telephone  
5 Company, complaint as to equipments received and  
6 returned, overbillings for equipments that were  
7 returned in Chicago, Illinois.

8 May I have the appearances for the  
9 record, please.

10 MS. JORGENSEN: On behalf of Ameritech Illinois,  
11 I'm Mary Beth Jorgensen, 225 West Randolph Street,  
12 Suite 29-B, Chicago, Illinois 60606. (312)  
13 727-1286.

14 JUDGE O'CONNELL-DIAZ: Ms. Neely, if you'd like  
15 to state your name and address for the record.

16 MS. NEELY: Hello. My name is Earlene D. Neely.  
17 I'm at 7829 South Dobson, Chicago, Illinois 60619.

18 JUDGE O'CONNELL-DIAZ: Okay. Let the record  
19 reflect that this is the second time that matter has  
20 been up, and, unfortunately, at the last hearing,  
21 it's my understanding that Ms. Neely had  
22 miscallendared this in her diary. And she did call

1 me the afternoon after the hearing, and based on  
2 that, I reopened the record as I had marked the  
3 record heard and taken, since the complainant did  
4 not appear and there was no complainant at our  
5 hearing.

6                   So just so that the record is clear, the  
7 matter has been reopened; and so we're back  
8 basically at square one.

9       MS. NEELY:     Yes.

10       JUDGE O'CONNELL-DIAZ:   Ms. Neely, would you like  
11 to tell the Commission what exactly your complaint  
12 with Illinois Bell Telephone Company is about?

13                   And let me just swear you in because  
14 we're going to -- this is all official.

15                               (Witness sworn.)

16       JUDGE O'CONNELL-DIAZ:   Thank you.

17       MS. NEELY:     Yes. I ordered phones in  
18 November, Clear Max. And when they arrived --

19       JUDGE O'CONNELL-DIAZ:   November of what year,  
20 ma'am?

21       MS. NEELY:     Of '99. And when the phones  
22 arrived, there was no base.

1 JUDGE O'CONNELL-DIAZ: Hm-hmm.

2 MS. NEELY: And my son was going to set them up.  
3 He was there that day when they arrived. And so he  
4 told me was nothing I could do with it.

5 So I called one of the representatives  
6 from Ameritech and explained that I did receive the  
7 base -- I mean, the handset, but no base. So they  
8 told me to ship them back by UPS and that they will  
9 redo the order again.

10 So my son-in-law took the two handsets  
11 back to UPS, shipped them out and that's when they  
12 send me another Clear Max, but they had the phone.  
13 And when I made the order with the representative, I  
14 asked for additional handset.

15 So when they send the second shipment  
16 back, I did get the whole set, Clear Max, with the  
17 handset, plus an additional one.

18 JUDGE O'CONNELL-DIAZ: When did you receive  
19 that?

20 MS. NEELY: Maybe two weeks after I received  
21 the --

22 JUDGE O'CONNELL-DIAZ: So was that sometime in

1 December of 1999 or would you say -- or still in  
2 November?

3 MS. NEELY: It was in December the 5th --

4 JUDGE O'CONNELL-DIAZ: Okay.

5 MS. NEELY: -- 1999.

6 So then I received -- now, from what I  
7 understood from the representative, I wouldn't be  
8 billed until January, but instead, I got billed in  
9 December. And after my son-in-law hooked it up and  
10 I tried to use it, I mean, I couldn't see the  
11 numbers -- I have bad eyes. I couldn't see the  
12 numbers even with glasses on. So that's when I  
13 decided that this phone wasn't for me.

14 So I called them, the representative. I  
15 didn't get his name. I'm sorry, but I didn't get  
16 any names and I told him that I did not want the  
17 phone. They asked me why. I said because I can't  
18 see the number and, you know, it's just -- and for  
19 \$814, you know, I want to be able to see what I'm  
20 picking up.

21 JUDGE O'CONNELL-DIAZ: They charged you \$814 for  
22 two phones?

1 MS. NEELY: Yes. \$814.89. Because in November,  
2 my phone bill was only \$39. Well -- right. 614.92.

3 JUDGE O'CONNELL-DIAZ: Were these some kind of  
4 special phones?

5 MS. NEELY: Clear Max. Those be.

6 MR. NEELAND: It was the advertisement.

7 JUDGE O'CONNELL-DIAZ: Sir, I need to get your  
8 name if you're going to testify.

9 MR. NEELAND: Oh, I'm sorry. Yes.

10 JUDGE O'CONNELL-DIAZ: So would you please state  
11 your name for the record?

12 MR. NEELAND: Okay. John K. Neeland, 811  
13 California, Dolton, Illinois. I am the son-in-law,  
14 and I was involved with this catastrophe here.

15 JUDGE O'CONNELL-DIAZ: Okay. And, sir, if you'd  
16 raise your right hand.

17 (Witness sworn.)

18 JUDGE O'CONNELL-DIAZ: Thank you.

19 These type of phones, were they special  
20 phones?

21 MR. NEELAND: They were, I guess, supposed to be  
22 new technology to cause (sic) out some type of a

1 bunch of information, because, you know, the new  
2 nine megahertz technology came out and, supposedly,  
3 stop bleed-overs from other phones. You know, you  
4 wouldn't hear your next door neighbor. And I think,  
5 supposedly, this Clear Max went to 2.4 gigahertz,  
6 which is a higher radio frequency and it was  
7 supposed to weed out.

8 JUDGE O'CONNELL-DIAZ: Okay. So when was this  
9 that you contacted the company to advise them that  
10 the phones -- you couldn't use the phones and they  
11 were -- you wanted to return them; when was that?

12 MS. NEELY: I'm not sure. I knew they were sent  
13 back --

14 MR. NEELAND: Just a month and a year.

15 MS. NEELY: I guess December. The end of  
16 November of '99.

17 JUDGE O'CONNELL-DIAZ: So you got the phones  
18 in -- the new -- the correct phones, like, December  
19 5th. And at the end of the month -- the end of that  
20 December, you contacted the company and said I can't  
21 use these phones?

22 MS. NEELY: Oh, no, no, no. No, no. Oh, I'm



1     sorry.   I misunderstood you.

2                     Okay.   When I got the second set  --

3     JUDGE O'CONNELL-DIAZ:   Right.

4     MS. NEELY:     And after I realized I couldn't use

5     it, the week after I got them that I called and

6     said --

7     JUDGE O'CONNELL-DIAZ:   Oh, okay.   So it was

8     sometime in December of 1999?

9     MS. NEELY:     Right.   Yes.

10    JUDGE O'CONNELL-DIAZ:   Okay.   All right.   I'm

11    with you so far.

12    MS. NEELY:     Okay.   So she asked me why, the

13    representative, and I told her that I couldn't, you

14    know, see the numbers, you know, because they were

15    so small and so forth.   And so she said, Okay.

16    Well, ship them back, which I did by UPS, the same

17    way my son-in-law sent the first one back; but this

18    time I took the second one to UPS on 83rd and

19    Dobson, which is the UPS over there and I shipped

20    them back.

21                     So I noticed that they were still billing

22    me for these phones, and so I called -- I don't

1 know -- about a couple days -- well, my billing  
2 cycle changes. So, at that time, I think I was  
3 paying my phone bills the first part of the month.

4           But, anyway, I got a bill saying that I  
5 owed this amount. So when I called and I said,  
6 Well, I returned those phones by UPS, you know, like  
7 I was -- you know, informed to do. So they said,  
8 Well, okay. We'll credit your account once we get  
9 the phones.

10       JUDGE O'CONNELL-DIAZ: Do you have a receipt  
11 from UPS?

12       MS. NEELY: No, they don't give receipts.  
13 That's it. That's the thing about it. They do not  
14 give receipts.

15       JUDGE O'CONNELL-DIAZ: UPS gives you a receipt  
16 and you have a tracking number.

17       MR. NEELAND: This particular UPS, even when I  
18 took the phones back there, they took the box and  
19 had me fill out paperwork that went onto the box.  
20 It's a sticker, the mailing address thing, and that  
21 was it.

22           I said there's nothing for me to get?

1 She said, No. I said, No receipt or nothing? She  
2 said, No. I said, Okay. Fine.

3 MS. NEELY: Right. You don't get receipts.

4 JUDGE O'CONNELL-DIAZ: Okay.

5 MS. NEELY: But, anyway, by December the 19th,  
6 like I said, I was in the -- I got the bill and the  
7 charges were on it. So I called and I talked to a  
8 representative to see. And so she said that as soon  
9 as they, you know, get the phone, they will credit  
10 my account. And this went on for five -- five  
11 months, six months that they were still billing me  
12 for these phones. I said, I don't have these  
13 phones. They were returned.

14 And from what I understand, after I  
15 called the second -- well, the second time -- when  
16 did I call? Well, I was calling every month  
17 thereafter, but I talked to another representative,  
18 a female, and she did tell me that they did receive  
19 the phones. And I said, Okay, and that my bill will  
20 be credited. But for some reason up until May, I  
21 was still getting charged for these phones.

22 JUDGE O'CONNELL-DIAZ: Have they credited your

1 account as of today?

2 MS. NEELY: Well, the -- on the bill, it has  
3 credit, but my phone bill has went up astronomical  
4 since this, you know, and I was wondering why my  
5 bills are so high when, normally, my bills would  
6 never be this high.

7 MR. NEELAND: From what I can tell, they -- they  
8 only credited her for the first set which was not a  
9 complete set. They only sent two receivers and no  
10 handbase, and that's when I told her, I said, Well,  
11 this is no good without a base because there's no  
12 way -- you know, you can't communicate without the  
13 base. Those are the ones that I took back.

14 And they did credit her, from what I can  
15 see on the phone bill, for that, but it's the second  
16 set that she sent back.

17 JUDGE O'CONNELL-DIAZ: And the second set, she  
18 had an additional phone, also.

19 MR. NEELAND: Right, which they don't -- I mean,  
20 it doesn't even show up on the phone bill where she  
21 requested the additional phone.

22 The only thing that shows up on her bill

1 is the two handsets and the one base station, that's  
2 it, and that's all that shows up as being credited  
3 to her account with her phone bills that I have here  
4 that's up until June 4th.

5 JUDGE O'CONNELL-DIAZ: Okay. Is that basically  
6 what your complaint is about then --

7 MS. NEELY: Yes.

8 JUDGE O'CONNELL-DIAZ: -- the handsets and the  
9 crediting of your account for the improper amount  
10 for the totality of the phones that you received  
11 from the company and sent back to the company?

12 MS. NEELY: Yes.

13 JUDGE O'CONNELL-DIAZ: Obviously, you have no  
14 witnesses today.

15 MS. JORGENSEN: Right. I was not --

16 JUDGE O'CONNELL-DIAZ: Does the company have a  
17 position?

18 MS. JORGENSEN: We do. I want to ask one  
19 question for clarification.

20 JUDGE O'CONNELL-DIAZ: Hm-hmm.

21 MS. JORGENSEN: Do I understand you to say that  
22 there were two Clear Max sets in all that you

1 ordered -- that were sent to you; one was incomplete  
2 and the second one was complete?

3 MS. NEELY: Yes.

4 MR. NEELAND: Right. The second was complete  
5 with the -- with the extra handset that she ordered.

6 MS. JORGENSEN: So the first set that arrived  
7 was -- what was included there?

8 MR. NEELAND: Two handsets.

9 MS. JORGENSEN: Two handsets. And that was in  
10 November you think?

11 MR. NEELAND: Yes, it was.

12 MS. NEELY: Yes, it was.

13 MS. JORGENSEN: And then a couple weeks later,  
14 you got the second sets and that was two handsets  
15 and the base?

16 MS. NEELY: Yes.

17 MR. NEELAND: With the extra handset that she  
18 ordered.

19 MS. JORGENSEN: So the second delivery was two  
20 handsets and one base?

21 MR. NEELAND: Right.

22 MS. NEELY: Yes.

1 MS. JORGENSEN: And the first delivery was two  
2 handsets?

3 MR. NEELAND: Two handsets.

4 JUDGE O'CONNELL-DIAZ: And what you returned via  
5 UPS was the two handsets and the --

6 MR. NEELAND: Yes, ma'am. It was just the two  
7 handsets, and they had little charging stations, you  
8 know, for them so they could sit in other rooms,  
9 but --

10 JUDGE O'CONNELL-DIAZ: Two handsets and the  
11 bases?

12 MR. NEELAND: No, ma'am. Just two handsets.  
13 There was no base. That's why it got sent back.

14 JUDGE O'CONNELL-DIAZ: But the second ones were  
15 unacceptable because your mother-in-law could not  
16 see them?

17 MR. NEELAND: The second set, yes, ma'am.

18 JUDGE O'CONNELL-DIAZ: And what did that box  
19 contain?

20 MR. NEELAND: Well, it was a total of three  
21 handsets and the hand station, because she ordered  
22 an extra one, handset.

1 JUDGE O'CONNELL-DIAZ: So you sent everything  
2 back in one box?  
3 MS. NEELY: Yes.  
4 JUDGE O'CONNELL-DIAZ: The first delivery and  
5 the second delivery was sent back together?  
6 MR. NEELAND: No, no. The first order was sent  
7 back --  
8 JUDGE O'CONNELL-DIAZ: In December.  
9 MR. NEELAND: -- the same day that I showed up.  
10 I don't know when she received them.  
11 JUDGE O'CONNELL-DIAZ: Oh, okay.  
12 MR. NEELAND: Then she ordered a second set.  
13 That showed up and then that was sent back sometime  
14 after.  
15 MS. JORGENSEN: And let me do this again. The  
16 second delivery was three handsets or two handsets?  
17 MR. NEELAND: It was a total of three because  
18 she ordered an extra one.  
19 MS. JORGENSEN: So you ordered two -- it comes  
20 with two handsets and a base normally.  
21 MR. NEELAND: Right.  
22 MS. NEELY: No.



1       MR. NEELAND:    No?

2       MS. JORGENSEN:   It comes with one handset and a

3   base, normally?

4       MS. NEELY:     One handset and a base, and I

5   ordered one extra.

6       MS. JORGENSEN:   Okay.   Okay.

7       MS. NEELY:     So it was -- right.

8       MS. JORGENSEN:   Okay.

9       JUDGE O'CONNELL-DIAZ:   So you had two handsets

10   and a base that was sent back in the second box via

11   UPS, correct?

12       MR. NEELAND:    Right.

13       MS. NEELY:     Right.

14       JUDGE O'CONNELL-DIAZ:   And that's what you're

15   looking for to be properly credited to your account?

16       MS. NEELY:     Yes.

17       MR. NEELAND:    The first one was .   That shows up

18   on the phone bill.

19       JUDGE O'CONNELL-DIAZ:   Okay.

20       MS. JORGENSEN:   Okay.   Now, having asked that

21   question, although I'm sorry that you've had trouble

22   with your Ameritech bill, because this complaint

1 concerns equipment, it isn't regulated by the  
2 Commission.

3 JUDGE O'CONNELL-DIAZ: Hm-hmm.

4 MS. JORGENSEN: And we would be submitting a  
5 motion to dismiss of complaint for lack of  
6 jurisdiction.

7 JUDGE O'CONNELL-DIAZ: Let's go off the record  
8 for a second.

9 (Discussion off the record.)

10 JUDGE O'CONNELL-DIAZ: Pursuant to an  
11 off-the-record discussion, the parties are going to  
12 discuss the account and the concerns that the  
13 complainant has with regard to the account and  
14 hopefully work toward a resolution of the issues  
15 raised by the complainant in her complaint.

16 The company additionally has advised the  
17 Commission that they would be filing a motion to  
18 dismiss. However, they are going to have some  
19 discussions with the complainant with regard to  
20 possible resolution of the complaint and will at  
21 this juncture not be filing that motion to dismiss  
22 at this point this time.

1                   For these reasons, this matter will be  
2 continued to until October 24th. And as I have  
3 advised the parties, if the case is not concluded  
4 about that point in time, I would imagine that the  
5 company would be filing their motion to dismiss.

6                   So on that October 24th date, we will  
7 probably be looking at setting a schedule, a  
8 briefing schedule for that motion to dismiss, but I  
9 do hope that is not the result; that their  
10 settlement discussions may be fruitful.

11                  So this matter is continued to October  
12 24th at 10:00 o'clock.

13                               (Whereupon, said hearing was  
14 continued to October 24, 2000  
15 at 10:00 a.m.)

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CERTIFICATE OF REPORTER

STATE OF ILLINOIS )  
 )  
COUNTY OF DU PAGE )  
CASE NO. 00-0467

TITLE: EARLENE D. NEELY

I, Steven Stefanik do hereby certify that I am a  
court reporter contracted by SULLIVAN REPORTING  
COMPANY, of Chicago, Illinois; that I reported in  
shorthand the evidence taken and the proceedings had  
in the hearing on the above-entitled case on the  
21st day of September A.D. 2000; that the foregoing  
19 pages are a true and correct transcript of my  
shorthand notes so taken as aforesaid, and contains  
all the proceedings directed by the Commission or  
other person authorized by it to conduct the said  
hearing to be stenographically reported.

Dated at Chicago, Illinois, this 4th day  
of October A.D. 2000.

REPORTER